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Attorney Docket No. 12369US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF:)
)
JENS MULLER,) Group Art Unit 1745
PETER URBAN,)
REGINA WEZEL,) Examiner _____
KEVIN M. COLBOW and)
JIUJUN ZHANG)
)
SERIAL NO. 09/256,386)
)
FILED: February 24, 1999)
)
FOR: DIRECT DIMETHYL ETHER)
FUEL CELLS)

RECEIVED
SEP 12 2001
OFFICE OF PETITIONS

PETITION FOR REVIVAL OF APPLICATION
ERRONEOUSLY DECLARED ABANDONED

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. 1.137, applicants hereby petition the U.S. Patent and Trademark Office to revive the above-identified application erroneously declared abandoned in a Notice of Abandonment under 37 CFR 1.53 (f) or (g) dated August 21, 2001 (copy attached at Tab C). The factual basis of the present petition to revive is set forth below:

the USPTO's receipt of the above facsimile
transmission on June 21, 2001.

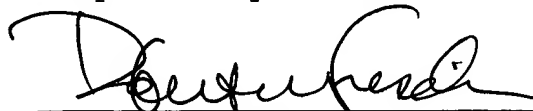
- (4) On September 4, 2001, the applicants' undersigned
attorney received a Notice of Abandonment under 37 CFR
1.53 (f) or (g) dated August 21, 2001 (return copy
attached at Tab C).

* * * * *

In view of the foregoing facts, applicants hereby requests
withdrawal of the erroneously issued Notice of Abandonment under
37 CFR 1.53 (f) or (g) and reinstatement of the above-identified
application.

Applicants submit that, since the error in declaring the
above application abandoned was the USPTO's, no fee should be
due for this petition. If, however, a fee is required for this
petition, please charge any such fees, as well as any other fees
incurred in connection with this submission, to Deposit Account
No. 13-0017.

Respectfully submitted,



Robert W. Fieseler
Registration No. 31,826
Attorney for Applicants

- (1) On June 6, 2001, the applicants' undersigned attorney spoke by telephone with Ms. Linda Hallman of the USPTO's Office of Initial Patent Examination, during which Ms. Hallman indicated that the USPTO had not received an executed Declaration and Power of Attorney for the above application. The applicants' undersigned attorney also indicated during the telephone conversation with Ms. Hallman that a Notice to File Missing Parts had not been received.
- (2) On June 21, 2001, the applicants' undersigned attorney transmitted by facsimile to the USPTO's Office of Initial Patent Examination a Transmittal of Executed Declaration and Power of Attorney and accompanying executed Declaration and Power of Attorney (copy attached at Tab A). The Transmittal of Executed Declaration and Power of Attorney included a Certificate of Facsimile Transmission under 37 CFR 1.8 in which the applicants' undersigned attorney stated: "I hereby certify that this and all documents referred to herein are being transmitted, via facsimile, to the Office of Initial Patent Examination, Managers Office, at 703-305-9822 on June 21, 2001."
- (3) The applicants' undersigned attorney received a Transmission Report (copy attached at Tab B) showing

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661

Telephone (312) 775-8000
Facsimile (312) 775-8100

Date: September 7, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231, on 9-7-01
Date of Deposit

ROBERT W. FIESELER

Name of applicant, assignee, or
Registered Representative

Robert W. Fieseler

Signature

9-7-01

Date of Signature



Attorney Docket No. 12369US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF:

JENS MULLER,
PETER URBAN,
REGINA WEZEL,
KEVIN M. COLBOW and
JIUJUN ZHANG

SERIAL NO. 09/256,386

FILED: February 24, 1999

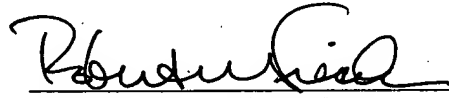
FOR: DIRECT DIMETHYL ETHER
FUEL CELLS

GROUP ART UNIT: 1745

EXAMINER: Not yet assigned

) Certificate Of Facsimile
) Transmission
) Under 37 CFR §1.8

) I hereby certify that this
) and all documents referred
) to herein are being
) transmitted, via facsimile,
) to the Office of Initial
) Patent Examination,,
) Managers Office, at 703-
) 305-9822 on June 21, 2001.

) 
) Robert W. Fieseler
) Registration No. 31,826
) Attorney for Applicants

TRANSMITTAL OF EXECUTED DECLARATION AND POWER OF ATTORNEY

Office of Initial Patent Examination
Manager's Office
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RECEIVED

SEP 12 2001

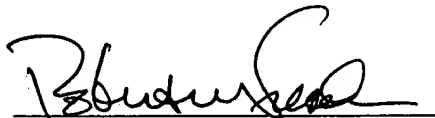
OFFICE OF PETITIONS

In response to the request by Linda Hallman during a telephone conversation with the applicants' undersigned attorney on June 6, 2001, transmitted herewith is a copy of the executed Declaration and Power of Attorney for the above application. Applicants also note that, since the applicants' attorney did not receive a Notice of Missing Parts for the

present application, the Declaration and Power of Attorney had not been previously submitted to the USPTO.

Please charge any fees incurred in connection with this submission to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,



Robert W. Fieseler
Attorney for Applicants
Registration No. 31,826

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661

Telephone (312) 775-8000
Facsimile (312) 775-8100

Dated: June 21, 2001

SEP 10 2001

TRANSMISSION REPORT

(THU) JUN 21 2001 15:27
McANDREWS, HELD, & MALLOY

DOCUMENT #	TIME STORED	TIME SENT	DURATION	PAGE(S)	MODE	RESULT
4861050-054	6. 21 15:25	6. 21 15:25	1' 55"	8	ECM	OK

DESTINATION	DST. TEL #
0000*17033059822	*1190*0000*17033059822

McANDREWS, HELD, & MALLOY, LTD.

34th Floor
500 West Madison Street
Chicago, Illinois 60661

Telephone: 312-707-8889
Facsimile: 312-707-9155

FACSIMILE COVERSHEET

TO: Office of Initial Patent Examination
Manager's Office

FROM: Michael B. Harlin/Robin Cali

DATE: June 20, 2001

RE: U.S. Patent Application No. 09/256,386
Filed February 24, 1999
Muller et al.
DIRECT DIMETYL ETHER FUEL CELLS

NO. OF PAGES (INCLUDING COVER SHEET) 9

FACSIMILE NO. 703-305-9822

MESSAGE: See attached.

PLEASE CONFIRM RECEIPT OF THIS COMMUNICATION

The documents accompanying this facsimile transmittal coversheet contain information from the law firm of McAndrews, Held & Malloy, Ltd. which may be confidential and/or legally privileged. The documents are intended only for the



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/256,386	02/24/1999	JENS MULLER	12369US01

CONFIRMATION NO. 9751

ABANDONMENT/TERMINATION
LETTER

MCANDREWS HELD AND MALLOY LTD
34TH FLOOR
500 WEST MADISON STREET
CHICAGO, IL 60661

RECEIVED

SEP 12 2001



OFFICE OF PETITIONS

Date Mailed: 08/21/2001

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/16/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice MUST be returned with the reply.

Doshie E. Day

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/256,386	02/24/1999	JENS MULLER	12369US01

CONFIRMATION NO. 9751

ABANDONMENT/TERMINATION
LETTER

O000000006451691

MCANDREWS HELD AND MALLOY LTD
34TH FLOOR
500 WEST MADISON STREET
CHICAGO, IL 60661

Date Mailed: 08/21/2001

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A copy of this notice MUST be returned with the reply.

Doshie E. Day

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

Telephone Communication Abandonment Process

The following Application was abandoned after an attempt was made to contact the applicant or attorney by telephone to complete the application before abandonment.

Date 6-5-01 Application No 09/256,386

Attorney/Applicant Name Robert W. Fieseler

Telephone Number (312) 707-~~8888~~ 8889

- ☐ Applicant/Attorney no longer available at given telephone number.
- ☐ Telephone services disconnected.
- ☐ Attorney no longer represents applicant.
- ☐ Application abandoned per call.

☒ Other: Call Back 6-6-01

Linda Hallman